

**Remarks**

The present application includes claims 1, 3, 6-7, 9-10, 14, 19-29, 31-32, 34-36, 40-42, 44-45, 47, 50-51, 53-54, 58, 60, 65-80, 82-86, 88, 90, and 92-95. Claims 1, 3, 6-7, 9-10, 14, 19-29, 31-32, 34-36, 40-42, 44-45, 47, 50-51, 53-54, 58, 60, 65-80, 82-86, 88, 90, and 92-95 have been rejected by the Examiner. By this Response, claims 1, 19, 28, 34, 45, 53, 65, 66, 67, 68, 72, 78, 90, and 94 have been amended.

Claims 1, 3, 6-7, 9-10, 14, 19-29, 31-32, 34-36, 41, 45, 47, 50-51, 53-54, 58, 60, 65-73, 75-80, 85, 90, and 92-95 were rejected under 35 U.S.C. 102(b) as being anticipated by Baerlocher et al. (U.S. Patent No. 7,026,935).

Applicant respectfully traverses the Examiner's rejection for at least the following reasons.

**Claim amendments**

By this response, independent claims 1 and 45 have been amended. Claim 1 has been amended and includes the following features:

- an initial set of possible outcomes is displayed;
- the outcome altering stage comprises a series of bonus games of the first game;
- the second trigger condition occurs during the game play of the series of bonus games;
- an altered set of possible outcomes is displayed in response to a second trigger condition;
- subsequent to the processes described in the preceding points, one of the altered possible outcomes is indicated and an associated award is awarded; and

- another indicating and award process is not completed before the end of the outcome altering stage.

Claim 45 has also been amended and includes the following features:

- the feature game is triggered on a first trigger condition and has a plurality of first possible outcomes each associated with a prize value;
- in a first random selection process at least one outcome from a plurality of second outcomes, distinct from the first possible outcomes, is selected;
- if the outcome selected from the plurality of second outcomes comprises a second trigger condition, then the game controller alters at least one aspect of the plurality of first possible outcomes; and
- in a second random selection process, one of the plurality of first possible outcomes, as altered due to any occurrences of the second trigger condition, is indicated and the gaming system awards the prize associated with the indicated outcome.

#### **Features distinguishing the present application from Baerlocher**

The examiner has objected to a number of claims as being anticipated by Baerlocher et al (5,788,573). Despite the examiner's contentions, and as per the below argument, the Applicant respectfully submits that Baerlocher does not teach the combination of features which is explicitly recited in claim 1 or in claim 45, as well as their dependent claims.

Baerlocher provides a base game (or first game) which, on occurrence of a trigger condition, launches a bonus game comprising a series of spinning wheels. Once the first trigger condition has occurred play of the first game is suspended until completion of the

bonus game. The bonus wheel game of Baerlocher is played by spinning and stopping the bonus wheels. If a particular outcome of a bonus wheel is obtained (i.e. a second trigger condition arising out of play of the *bonus game*) the player is "moved" onto the next bonus wheel.

The examiner's first contention is that the occurrence of a number of symbols which provide the user with a chance to play a wheel of fortune portion of the game (Baerlocher, 4:38-45) corresponds to the claimed feature of a feature game occurring on a first trigger condition of the first game. However, the Applicant notes that this indicates the following:

- The "first" game in Baerlocher is the game from which the bonus wheel games are launched.
- The first trigger condition of Baerlocher is the condition which launches the bonus wheels feature game.
- The feature game of Baerlocher is the bonus wheels game.

The examiner goes on to state that the "outcomes form [from?] spinning wheels" from Baerlocher correspond to the claimed "outcome altering stage".

Claim 1 as amended specifies that the outcome altering stage of the present invention results in the dynamic altering of the initial set of possible outcomes and the display of that altered set of possible outcomes. The feature which causes this alteration and display of the possible outcomes is the second trigger condition which arises during game play of the *first* game. As noted by the examiner above, the first game in Baerlocher is the game from which the bonus wheel game is launched. Noting the examiner's contention that the bonus wheels portion of Baerlocher is a feature game, the

subsequent spinning of the wheels and therefore second trigger condition in Baerlocher clearly occurs as a result of play of this feature game (i.e. the second game) and not as a result of play of the first game.

Additionally, claim 1 as amended recites the feature that the outcome altering stage of certain embodiments of the present invention comprises a series of bonus games of the first game. This feature was previously presented in claim 89. While previous claim 89 was rejected by the examiner as being anticipated by Baerlocher, the examiner does not appear to have considered this particular feature in the rejection or what the corresponding feature of Baerlocher is. Baerlocher describes only a single spin of each wheel, not a series of bonus games of the first game. It is only if a particular segment is selected in Baerlocher that the game progresses to another wheel.

As noted above, the examiner's argument appears to be that the "first game" of Baerlocher is the game from which the bonus wheel game (i.e. second game) is launched. Baerlocher does not teach or suggest anywhere that after the bonus wheel game has been launched a player is provided with a series of bonus games *of the first game* which provide the possibility of altering the possible outcomes of the bonus game (i.e. the wheel game in Baerlocher).

The difference between claim 1 and Baerlocher is further emphasized when it is considered that there is a random outcome selection and prize award subsequent to the outcome altering stage. In Baerlocher, if a segment other than the segment to progress to another wheel is selected, then the prize is awarded on that segment. This is in contrast to claim 1, which specifically states that a random outcome indicating and awarding stage is not competed before the end of the outcome altering stage. Baerlocher therefore

discloses a hierarchy of wheels defining fixed sets of possible outcomes, rather than claim 1, which defines *a series* of bonus games of a first game that dynamically alter the outcomes available from a single feature game.

Claim 45 as amended is also distinguishable over Baerlocher. Claim 45 includes the feature that there is a first and a second random selection process from distinct possible outcomes, which are displayed in different screen formats. The outcome from the feature game is said to come from the second selection process, which is made from a first set of possible outcomes and displayed in the feature game format. The second trigger condition occurs as a result of a selection from a distinct set of outcomes and is indicated in a screen format like the first game, which is different from the feature game.

In contrast in Baerlocher, the feature game involves selecting a prize from the same wheel that acts as a trigger for the subsequent feature game of the next wheel. There is therefore not a first and second random selection process from distinct outcomes. In addition, Baerlocher does not disclose a first random selection process in the same format as the game in which the first trigger conditions occurred and in which a second trigger condition occurs, which alters the available outcomes in a feature game.

Referring to the examiner's objection in respect of previous claim 8, the examiner comments that the claimed second trigger condition which occurs as a result of game play of the first game and influences one or more game play aspects of the feature game is disclosed in Baerlocher by: "e.g. trigger to provide bonus game".

The examiner here appears to have argued that both the claimed first and second trigger conditions are anticipated by the same event in Baerlocher: the trigger condition which serves to launch the bonus game (Baerlocher, 5:1-30).

The examiner therefore appears to have ignored the fact that two distinct trigger conditions, each with associated features, conditions and consequences, are explicitly claimed. The distinctness of the trigger conditions is explicit in claims 1 and 45.

It appears that the only possible way in which Baerlocher can be viewed as altering the possible outcomes of the feature game is by argument that when a user playing the first feature game (i.e. by spinning the first wheel) achieves the predetermined result which allows the player to spin the second wheel (Baerlocher 5:50), the possible outcomes of the feature game are altered.

In response (if this is indeed the examiner's contention), however, the "second trigger condition" of this argument is the achievement of the predetermined result which allows a player to spin the second wheel. This second trigger condition clearly occurs during game play of the *feature game* (the wheel of fortune game) and not during game play of the first game.

The examiner has also cited column 5 lines 1 to 30 of Baerlocher as corresponding to the second trigger condition of the present application. Baerlocher at 5:1-30 describes a bonus game which is launched if all letters of a phrase have been revealed. In the bonus game a player is permitted to open a certain number of envelopes based upon the number of points a player has accumulated and the number of points associated with the envelope.

With respect to this particular bonus game, the examiner contends that the feature corresponding to the second trigger condition of the present application is the player's accumulation of a predetermined number of bonus points.

Presumably, therefore, the first trigger condition of Baerlocher is the revelation of all letters of the phrase which launches the screen in which the player may select one or more envelopes. In this case there is no teaching of a first trigger condition which causes the initiation *of a series* of bonus games as defined in claim 1. Nor is the set of outcome indicators (envelopes) altered as a result of that series of bonus games. Finally, Baerlocher teaches that a player selects the envelopes to open, and does not teach a random outcome indicating stage in which a selector *randomly* selects one of the altered set of outcome indicators.

Therefore, for at least these reasons, the Applicant respectfully submits that claims 1, 3, 6-7, 9-10, 14, 19-29, 31-32, 34-36, 41, 45, 47, 50-51, 53-54, 58, 60, 65-73, 75-80, 85, 90, and 92-95 should be allowable over the cited art of record.

Claims 40, 42, 44, 82, 84, 86, and 88 were rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher in view of Adams (U.S. Patent No. 5,911,418).

As discussed above, Baerlocher fails to teach or suggest the limitations of independent claims 1 and 45. As noted by the Examiner, Baerlocher fails to teach the additional limitations recited in claims 40, 82, and 84, for example. Further, the Applicant submits that Baerlocher also fails to disclose all of the limitations recited in each of claims 42, 44, 86 and 88. Similarly, Adams fails to remedy the deficiencies of Baerlocher with respect to independent claims 1 and 45 and also fails to remedy the deficiencies of Baerlocher with respect to dependent claims 40, 42, 44, 82, 84, 86, and 88. Therefore, for at least the reasons described above, the Applicant respectfully

submits that claims 40, 42, 44, 82, 84, 86, and 88 should be allowable over the cited art of record.



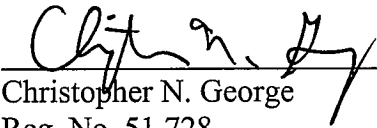
**CONCLUSION**

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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Christopher N. George  
Reg. No. 51,728

McAndrews, Held & Malloy, Ltd.  
500 W. Madison Street  
34<sup>th</sup> Floor  
Chicago, Il 60661  
Phone (312) 775-8000  
Fax (312) 775-8100